

# EXHIBIT 4

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# Harassment, Humiliation and Sexism, Ignored for Years

At Utah State, one professor is out and reforms are pledged for a piano program where misconduct was tolerated.

By Colleen Flaherty



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Gary Amano

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Utah State University's head piano instructor retired after an outside investigation found that he had discriminated against women in the department for over a decade, administrators said Friday.

The university also removed a second professor implicated in the investigator's report from his position as piano program coordinator and will pursue disciplinary action against him.

"Step one in moving forward is standing up and admitting that we at Utah State made mistakes in the way we handled issues of abuse, of

mistreatment of students and even of instances of sexual assault," President Noelle E. Cockett said during a news conference.

"Step two," she said, "is taking action to ensure that we correct those mistakes and that we put in place policies and procedures to protect the health and well-being of our students."

Complaints about the piano program and now-retired professor Gary Amano, in particular, came to light earlier this year on social media. Facing allegations about the program ranging from assault to hostile-environment harassment, the university said in February that it would hire an independent investigator to assess the claims and make the findings public.

That report, prepared by Salt Lake City-area lawyer Alan Sullivan and released last week, recommended Amano's dismissal, on the grounds that he "created a hostile academic environment for women." Moreover, it says, he "tolerated sexual harassment of students by faculty members he was supposed to be supervising, without holding those faculty members accountable."

Investigators interviewed 60 current and past students and faculty members, among others, as part of their process. They also reviewed hundreds of pages of documents, including personnel files, scholarship files and student transcripts.

### **Abuse, Unchecked**

The report says that between 1994 and 2012, both male and female students and their parents complained to "responsible" university officials about a series of incidents of alleged sexual harassment -- from unwanted advances to sexual relations between instructors and students -- involving four faculty members. Two of those professors remain on the faculty and two have since left.

One of the accused, a former faculty member who is not named in the document, reportedly admitted that he'd had sexual relationships with at least three students, but said all were consensual.

Investigators nevertheless said that the relationships amount to a

"disturbing pattern," in which they were common knowledge but not taken seriously by other professors or administrators.

Utah State's standing policy on amorous relationships prohibits student-faculty or student-student relationships when one party has supervisory authority or professional influence, present or future, over the other.

Numerous interviewees told investigators that Amano said men should get more professional opportunities than women because they tend to become "breadwinners," while women remain "housewives and neighborhood piano teachers." He also reportedly told students that men are more likely than women to excel at piano because they have large hands and more upper-body strength.

Amano denied to investigators ever discriminating against women but said it is a "fact of life" that most elite pianists are men. He could not immediately be reached for comment about the report in its entirety.

Students and faculty members said Amano -- who for many years had sole discretion over who received scholarships and who didn't -- also favored men in terms of funding. The report says that investigators received incomplete records on this matter but that a preliminary review of available documents from 2009 to 2017 showed that female students received 41 cents on the scholarship dollar paid to male peers, per capita.

Some students said they feared reporting harassment experiences, as they worried Amano might retaliate against them. One student, for example, said an unnamed graduate of the department who worked there as a teaching assistant often touched her body and asked to meet her alone. She said she was also afraid to practice in the music space after hours for that reason. But because he was one of Amano's favored students, the student told investigators, she said nothing.

A second student told investigators that an unnamed instructor engaged her in a consensual relationship but insisted on having sex during the day, sometimes in public spaces.

That student later said that the instructor made sexual advances that were nonconsensual, and she lodged a complaint with the campus's office for Title IX of the Education Amendments of 1972, which prohibits gender-

based harassment. The office determined that the instructor had violated the amorous relationships policy. But it found insufficient evidence of nonconsensual sex.

As the complaint was being investigated, Amano emailed the Title IX office, saying he knew about that "affair" and others, and that his solution was to make sure the instructor was no longer teaching students with whom he was involved. The email also criticized the student complainant and questioned her motives, prompting the Title IX office to direct Amano to cease contact with her during the investigation.

For "apparent" reasons, the report recommends that the unnamed teaching assistant should be blocked from rejoining the faculty or participating in any way in the university's Youth Conservatory or piano clinic.

Beyond sexual harassment, students and faculty members said that certain instructors, including Amano, sometimes berated or humiliated students for failing to immediately grasp concepts. R. Dennis Hirst, an associate professor in the program, allegedly belittled students and allowed Amano's behavior and poor leadership with regard to climate to go unchecked. The report recommends that Hirst be removed as interim program coordinator -- a step Utah State already has taken -- and replaced by someone "committed to providing opportunities for all the program's students."

The university also has signaled its intent to pursue disciplinary action against Hirst. He did not immediately respond to a request for comment.

### **Next Steps**

Saying that Utah State's current policies don't "clearly prohibit psychologically abusive behavior by the faculty," the report also calls on the Caine College of the Arts "take the lead in developing its own standards for faculty behavior." The aim would be to draw a line between rigorous artistic instruction and abuse, it says, and give students a clear path to complain about any mistreatment.

The report suggests that the piano program should have done more earlier to address its climate problems. But it does note that the program

has taken steps since 2017 to increase transparency in how students are assessed and scholarships are awarded. It recommends that the program work with the college, university counsel and Title IX office to develop a broader plan to eliminate gender discrimination.

Last, the report says that university counsel should work with the Title IX office and the provost to develop standards for "more stringent review of student claims of gender discrimination and sexual harassment by faculty."

Cockett said Friday that the university had accepted each recommendation. She said she was initiating a universitywide review of gender discrimination of students, staff and faculty and reorganizing the Title IX office, to include leadership changes and adding more staff, compliance oversight and training.

"The authority and scope of Title IX must be undeniable here on campus," she said.

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## Written By



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